

CLEAN WATER ACT2-51. Class I Administrative Penalty Actions

1. **AUTHORITY.** Pursuant to the Clean Water Act, the authority to:
  - a. Act as the complainant in a Class I administrative penalty action under the CWA.
  - b. Issue an order on consent between the Agency and a respondent resulting from the initiation of a Class I administrative penalty action under the CWA.
2. **TO WHOM DELEGATED.** Chief, Water Enforcement Branch, and chief, RCRA and OPA Enforcement Branch.
3. **LIMITATIONS.** Any official exercising this authority shall obtain the prior concurrence of the regional counsel or designee on the legal sufficiency of complaints and consent agreements.
4. **REDELEGATION AUTHORITY.**
  - a. These authorities may be redelegated to the section chief level, or equivalent, and no further.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
  - a. Section 309 of the Clean Water Act, 33 U.C.S. § 1319.
  - b. Section 311 of the Clean Water Act, 33 U.S.C. § 1321.
  - c. Agency guidance and regulations governing Class I administrative penalty actions under the Clean Water Act.

  
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Suzanne J. Bohan, Director  
Enforcement and Compliance Assurance Division  
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Date